IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 28190 of 2007(E)

PETITIONER:

A.MOHAMMED KHALID, S/O.ABDUL RAHIMAN,
RESIDING AT 'RAHMANIYA MANZIL', N.H.ROAD,
VANUR, ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS
SRI.P.S.APPU

RESPONDENTS:

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1. THE ASSISTANT LABOUR OFFICER, ALATHUR, PALAKKAD.

ADDL. R2: P. THARAPAL, S/O. PERUMAL.

ADDL.R3: S. SELVAN, S/O. SEKAR.

ADDL.R4: T. KRISHNAMOORTHY, S/O. M. THANGARAJ

ADDL.R5: C. SWAMINATHAN, S/O. G.SELLAPPAN.

ADDL.R6: R. KESAVAN, S/O. RAMAMOORTHY.

(ADDL.RESPONDENTS 2 TO 6 ARE RESIDING AT NAGAMBADI, PALAIYOUR POST, MAYILADUTHURAI TALUK, NAGAPPATTINAM DISTRICT).

(ADDL. RESPONDENTS 2 TO 6 ARE IMPLEADED AS PER ORDER DATED 5.10.07 IN I.A.13127/07)

BY GOVERNMENT PLEADER SRI. A.J. VARGHESE
SRI. RAJESH SIVARAMAN KUTTY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)No.28190 OF 2007

Dated this the 8th day of October, 2007

JUDGMENT

The petitioner is an employer doing business in the Thenkurissi Panchayath of Palakkad District. He has his own workers for doing loading and unloading work in his establishment, who are arrayed as respondents 2 to 6 in the writ petition. The said workers have applied before the 1st respondent for registration under Rule 26A of the Kerala Headload Workers Rules. The petitioner complains of delay in considering the said applications. Initially, I had raised a doubt as to whether the petitioner can file this writ petition seeking disposal of applications filed by the workers. With the help of the decision in **Perfect Engineers and Contractors Vs. The Assistant Labour Officer (2004(1) KLT SN 71)**, the petitioner asserts that he does have right to do so. On a reading of the said decision, I am also

satisfied that the petitioner can seek his remedy by filing this writ petition.

2. The petitioner therefore seeks a direction to the 1st respondent to consider Exts.P3 to P7 filed by respondents 2 to 6 expeditiously.

3. Sri. Rajesh Sivaramankutty advocate stated to be representing the headload workers professing allegiance to the CITU and INTUC Unions of headload Workers of the area who intends to seek themselves to be impleaded in the writ petition, submits that those unions also may be directed to be heard in the matter. The petitioner submits that they have no right to be so heard under the Act and Rules. After having heard both sides, I dispose of this writ petition with the following directions.

The 1st respondent shall consider and pass appropriate orders on Exts.P3 to P7 as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment. While disposing of the same, the Union representatives of the Headload Workers of the area professing allegiance to CITU and INTUC also

may given notice of hearing. However, I make it clear that it would be open to the petitioner to object to the locus standi of the unions to object to the claim of the workers seeking registration and the A.L.O shall decide the question as to whether they have locus standi in the matter. The mere fact that I have directed issue of notice of hearing to the unions would not stand in the way of the A.L.O. deciding that question also.

S. SIRI JAGAN, JUDGE

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